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SUBJECT: S/WCI AMB. WILLIAMSON'S GENEVA CONSULTATIONS WITH  
ICRC AND UN HIGH COMMISSIONER FOR HUMAN RIGHTS

REF: GENEVA 263

Classified By: Mark C. Storella, Charge d'Affaires, a.i., reasons 1.4 b  
and d.

¶1. (C) Summary: S/WCI Ambassador Williamson met separately with the International Committee of the Red Cross (ICRC) and the UN High Commissioner for Human Rights (UNHCHR). In both meetings he outlined the Department of Justice (DOJ) -led review of the remaining 241 detainees at Guantanamo that is currently underway and explored possible ways in which the organizations could contribute to USG efforts to resettle detainees in Europe. Both offered to support resettlement efforts, the ICRC through information sharing and UNHCHR through more direct engagement with European countries on a case by case basis. A separate cable was sent on Ambassador Williamson's meeting at the UN High Commissioner for Refugees (UNHCR - see Ref. A). End Summary.

#### Update on Guantanamo Detainees

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¶2. (C) Ambassador Williamson briefed both the International Committee of the Red Cross (ICRC) and the UN High Commissioner for Human Rights (UNHCHR) on the DOJ-led review of Guantanamo detainees as well as diplomatic efforts to resettle 50-60 low-threat detainees in third countries. He noted that President Obama signed the Executive Order to close Guantanamo on his second day in office, which highlights the high priority placed on the issue by the new Administration. He explained that lead responsibility for the review of Guantanamo detentions has shifted from the Department of Defense (DOD) to the Department of Justice. A three-tiered review process is in place to examine the individual Guantanamo cases. An interagency team reviews detainee information and recommends whether to pursue prosecution, clear for transfer, or clear for release. Recommendations go to a senior interagency Review Panel, for concurrence or modification. These decisions are then approved by the Attorney General. In the case of disagreement within the Review Panel, the Attorney General resolves the dispute in consultation with counterparts from other agencies.

¶3. (C) The Ambassador explained that there are approximately 50-60 detainees who will be cleared for release, but who cannot go home due to humane treatment concerns. While several European governments have sent promising signals on accepting detainees, deeds have thus far not completely matched these statements. Hungary, Lithuania, Portugal, Switzerland and Ireland have been very forward leaning in their efforts to reach an agreement with the U.S. Italy, Spain, France, Germany, and Sweden, while considering taking some detainees, are not as far along in their internal deliberations. An EU framework facilitating member states to

accept detainees is a critical element to the resettlement strategy which will hopefully be finalized in the coming months. Ambassador Williamson said that several Schengen countries unwilling to take detainees are concerned about the effects of another Schengen member admitting these people into their territory. The U.S. is sensitive to these factors and is pursuing possible solutions with EU staff, including voluntary travel restrictions on transferees.

¶4. (C) Williamson highlighted the difficulty in resettling Uighur detainees due to fear of political repercussions with China. He also discussed the 99 Yemenis currently detained in Guantanamo, who the USG would prefer to admit into the Saudi Arabian rehabilitation program rather than repatriate directly back to Yemen. While the U.S. does not have significant concerns about humane treatment of detainees returned to Yemen, there are regional security concerns that would arise with their immediate repatriation.

International Committee of the Red Cross  
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¶5. (C) Ambassador Williamson met with Pierre Kraehenbeuhl, Director of Operations for ICRC, Barbara Hintermann, Head of Region for North America, Western, Central and South-Eastern Europe at ICRC, and Jelena Pejic, Legal Advisor, ICRC. Kraehenbeuhl welcomed Williamson's comments and said that ICRC supported the closure of Guantanamo, seeing the action as a strong benchmark for international humanitarian law. He also appreciated ICRC recommendations being considered in Admiral Walsh's recent report on conditions at the facility. After hearing of the new review process currently underway, Kraehenbeuhl offered to contribute ICRC information collected

at Guantanamo to the review panels. He also informed Williamson that in interviews with detainees ICRC encouraged sharing of information on family ties in third countries. Williamson indicated that this is extremely helpful and said that the U.S. is also working directly with the lawyers representing the detainees to determine locations for resettlement. However, when Ambassador Williamson suggested more direct engagement with European countries in resettlement efforts, Kraehenbeuhl noted that he was wary to actively encourage other governments to resettle detainees. Ambassador Williamson acknowledged ICRC's special status and said that he understood the limitations on what ICRC is able to do. Kraehenbeuhl did say that ICRC would answer questions from other governments as to how it views the review process as a whole, which is generally positive. To reinforce this opinion, Ambassador Williamson explained additional details of the U.S. resettlement strategy, noting that the USG was not asking for prosecution nor robust security measures for any detainees cleared for release. The U.S. would be responsible for many of the most dangerous inmates at Guantanamo for years to come, prosecuting them in either Federal Courts or military courts martial. The U.S. was asking European governments and international organizations to assist in resettling the lower threat detainees.

¶6. (C) On Yemen, Kraehenbeuhl noted that ICRC has not been able to visit detention facilities in Yemen and does not have a prison visit program there. He added that in the past ICRC has not been able to get support from the U.S. Embassy to pressure the Yemeni authorities to open these detention facilities. For this reason he questioned the assessment that Yemen did not present humane treatment concerns for cleared detainees. Ambassador Williamson explained that the we look at the totality of the situation in any given country, and while Yemen does not have a perfect record, the most compelling factor for the USG was that detainees previously returned to Yemen had not been mistreated.

UN High Commissioner for Human Rights  
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¶7. (C) Navanethem Pillay, the UN High Commissioner for Human Rights, welcomed Ambassador Williamson's briefing on Guantanamo detainee issues and offered her assistance on a

case-by-case basis. She supported the closing of Guantanamo and called for the U.S. to move quickly to either prosecute detainees or release them. Commending the thoughtful approach of the USG reviews, she called for them to include the "principle of reparation." "If you do this well," she said, "it could be the example for tribunals and other countries to follow."

¶18. (C) Williamson explained how the US was actively engaged in discussion with a number of governments as well as detainees, lawyers, human rights groups such as Human Rights Watch and Amnesty International, Special Rapporteur on Torture Manfred Nowak, and others to try to match detainees to suitable resettlement countries and encourage governments to accept them. The Ambassador stressed that public and private encouragement by UN bodies on the humanitarian imperative of detainee resettlement could strengthen the hand of governments. Pillay responded that Nowak had raised the matter with her and that they are both prepared to help. She indicated that she would be receptive to requests from the USG to engage specific governments if needed.

¶19. (C) Regarding the International Criminal Court (ICC), Williamson explained to Pillay that U.S. engagement with the institution had increased over the past two years, but that more could be done. The Administration, he said, is undertaking a review of the US position vis--vis the ICC with an open mind. While it is too early to say how the comprehensive policy approach might change, there will almost certainly be a further increase in engagement.

¶10. (C) Pillay stated that U.S. ratification of the ICC would be "excellent." She reported that many countries are sitting on the fence regarding ratification and that a positive U.S. decision would bring many countries along in its wake, particularly in Asia. Even short of ratification though, Pillay said that increased U.S. engagement would be highly beneficial. For example, the ICC suffers from the lack of U.S. staff assisting with jurisprudence and other important tasks, and that since the quality U.S. officials in other tribunals has been so high, their absence at the ICC is keenly felt. Williamson commented that he recognized that the Court had suffered from the absence of U.S. participation and from the lack of pro-active diplomatic support that the

USG provided for other tribunals. He noted that while some efforts had been made to address these issues over the last two years, the new Administration was inclined to do more and to put its relationship with the ICC on a more regular footing.

Ambassador Williamson has cleared this cable.  
STORELLA